NY habeas corpus-phone conversation with Jim Lesar 12/8/72

After the time provided for the state to traverse or rebut the allegations of the petition, incumbent on it because the judge ordered it to show cause why Ray should not be released, there are a total of 10 days for the defense to take care of whatever the state comes up with. Bud, who has had all this time to learn the law and plan what he is to do, didn't know and didn't believe it. Jim told him this is the situation. Bud had him to do the research and show him. Jim said he had the citation and could find it, he had to leave.

Bud said he'd like Jim to go down when the state's response is filed and to take care of what had to be done in Nashville. Jim has yet to have his first client, his first courtroom appearance! Jim declined but in terms of their relationship learned on Bud as much as he felt he could. He told Bud he could not figure on going down because he is hopeful of having a job in a couple of weeks. Bud was additionally unhappy because he is all set for a scheduled Barbados vacation. Naturally, he'd rather have Jim work for nothing than give up his coming vacation (there is no shortage of them) On the fact for sure and on the law in all probability Bud will be unprepared for whatever the state does. I told Jim that while he could probably handle most of the factual allegation, it was by no means certain, and that I'd already made it clear I was not doing anything more to make a phoney hero out of Bud or to work for him for nothing.

I told Jim I'd do nothing on Bud's request but if he needed help, I'd do it. And I promised to go over everything Jimmy had sent by him plus the tapes he gave to be mailed to me as soon as possible, but not until after Monday, when I have to be away.

I asked him what he got from Hooker and he said nothing, that the lawyer to whom he spoke said the letter from Foreman is too vague, and he needs Lane's o.k. He agreed there now is less chance, but he will send certified letters so there will be a record of non-cooperation or refusal to take to court. No matter how he responds if not in agreement, this makes a record of Foreman in court consistent with the petition. I reminded him that I had taken this up with Bud long ago and he had said he'd do it and never did. The last time was when Jimmy sent me the clipping on the Hooker suit against Foreman.

Jim again got nowhere with Bud on discovery, a matter I finally gave up pressing him on. The only thing I ever got out of him is that it was "premature". I felt, noting the law, that it could not be premature and had to be essential to the preparation of the petition, that the withholding of the supposed information was a license to prevent a petition being filed. We agreed that not one thing we have asked Bud to do hasn't been needed, hasn't been agreed to when it was until too late, hasn't been wrong and has been necessary, and to date we have thought of nothing that we haven't asked of Bud. So, while I anticipated most of this without legal education, and Jim did some, Bud, the "chief counsel", has thought of and done nothing of those things that had to be done. We did the thinking and only sometimes got him to do it, never when we realized it had to be done.

We agreed that if Bud has to respond to whatever the state files, it can be a disaster. Only by luck can he succeed. He has done none of the required legal work, and he has had several years, and he really doesn't know the fact.

I reminded him again to get the issue of People quoted in F-3, where he or Cal lost my copy. I've also asked someone in Miami to try but didn't tell you so they'd not count.

They were in Nashville two days. Jimmy without inspiration expressed a low opinion of Stoner, to Jim's surprise. I guess the disenchantment he didn't want to acknowledge, from his own experience, he can no longer avoid from combination of two things: this latest stupidity with Cohn, who is in jail only because Stoner put him there, as Jimmy should realize; and seeing what good work, such as Jim and I have done, can produce. Whatever his politics and attitudes on race, he can't avoid these things at the very least.

It is too bad that when for the first time he has a chance in court, he will be depending upon the helpless. But has what chance he has despite the helplessness.